

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 25-26 are requested to be cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 15-24 and 27-34 are now pending in this application.

First, Applicant wishes to thank Examiner Faruk Hamza and Supervisory Patent Examiner Saleh Najjar for the telephonic interview which was conducted with Marshall Brown, attorney for Applicant, on June 1, 2006. During this interview, the participants discussed prior art cited by the Examiner and whether the cited prior art teaches all of limitations of the currently-pending claims. Unfortunately, no final agreement was reached during this session.

In the April 25, 2006 Official Action, the Examiner noted that previously withdrawn claims 25 and 26 needed to be canceled from the present application. Applicant has therefore canceled these claims, while fully reserving the right to reintroduce these claims in a subsequent continuation or divisional application.

The Examiner rejected claims 15-21, 27, 29 and 34 under 35 U.S.C. § 102(e) based upon U.S. Patent No. 6,795,408, issued to Hiatt. The Examiner rejected the other pending claims based upon the Hiatt reference either in combination with U.S. Patent No. 6,801,934 or in view of Official Notice. Applicant respectfully traverses these rejections for the following reasons.

As was discussed in detail in Applicant's March 20, 2006 Amendment and Reply, the currently-pending independent claims discuss a server and method where, if access to a remote server is requested, the server first attempts to connect to the remote server via the

third wireless interface. If the third wireless interface cannot establish a connection with the remote server, the server then attempts to connect to the remote server via the second wireless interface. As is discussed, for example, at page 7, line 23-page 8, line 20 of the specification, this arrangement provides for significant advantages over conventional systems, as the system provides for an automatic “backup” mechanism for maintaining Internet access when a first desired interface is unable to establish a connection. For example and as discussed in this section, if the server is located on a train which is in a hot-spot area, a higher-speed interface can be used, providing various benefits to the user. However, if the train is not in a hot-spot area, the server automatically switches to the second interface, providing the user with a certain level of access, without the user having to take any action on his or her own.

The Hiett reference does not teach or suggest this feature. The Examiner cited Column 7, line 11 through Column 10, line 25 to support the claim rejections. However, this section provides no such support for this feature. This section, and the Hiett reference as a whole, simply describes a server or router with a plurality of potential interfaces. It does not, however, describe how such interfaces are used. This is an important difference between the Hiett reference and the pending claims. In the Hiett reference, there is disclosed a server which can communicate with a data source or information distribution system over different interfaces, but never discusses or suggests an actual implementation where one particular interface is first used in an attempt to establish a connection and, if unsuccessful, the server automatically moves to different interface. Instead, the Hiett reference at most only mentions that the different interfaces could be used for different reasons, without ever describing a system where access is attempted with one interface and, if unsuccessful, moving to a different interface. This fact is even implicitly acknowledged by the Examiner in the April 25, 2006 Official Action when he notes on page 4 that “Hiett discloses interface[s] to access local content on the server and access remote content from remote server and broadband connection” without ever discussing the interface selection process of the pending claims. Unless the Examiner can point with particularity to where such a process is taught in the Hiett reference, any rejection of independent claims 15 and 27 under 35 U.S.C. § 102(e) is wholly improper.

Because the Hiett reference does not teach or suggest an arrangement where a server first attempts to connect to the remote server via the third wireless interface and, if

unsuccessful, then attempts to connect to the remote server via the second wireless interface, Applicant submits that claims 15-21, 27, 29 and 34 are patentable over the Hiatt reference. With regard to the Examiner's rejections under 35 U.S.C. § 103(a), the Eranko reference also fails to teach this feature, and the Examiner's Official Notice of certain other features does not cure the deficiencies discussed above.¹ For these reasons, Applicant also submits that claims 22, 28 and 30-33 are patentable over the cited prior art as well.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

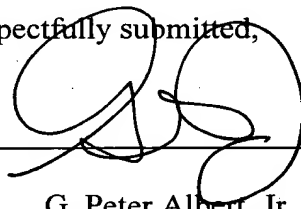
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

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FOLEY & LARDNER LLP
Customer Number: 27433
Telephone: (312) 832-4553
Facsimile: (312) 832-4700

Respectfully submitted,

By



G. Peter Albert, Jr.
Attorney for Applicant
Registration No. 37,268

¹ Regarding the Examiner's position regarding Official Notice, Applicant takes no position regarding the Examiner's assertion and fully reserves the right to dispute this position in the future.